

Serial No. 10/040,099  
Docket No. RPC 0527 PUS

### REMARKS

The Examiner has rejected claim 40 under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of U.S. Patent No. 6,389,990. Applicant respectfully disagrees.

In the '990 patent, the "stiffening member" is mounted to the ribs of a deck of the pallet, such that box beam sections are formed by the deck, the ribs and the stiffening member. In contrast, in claim 40, the "reinforcement member" is between the first and second deck portions, which have ribs extending between them to form the box beam sections. None of the claims in the '990 patent have ribs extending between first and second deck portions and reinforcement members between the first and second deck portions, as is claimed in claim 40 of the present application. There is no suggestion to add reinforcement members between the "stiffening member" and the deck of the '990 patent. Therefore, claim 40 should not be rejected for obviousness-type double patenting.

### CONCLUSION

If any fees or extensions are due, please charge such fees to Deposit Account No. 50-1984.

Respectfully submitted,

By: 

Konstantine J. Diamond, Reg. No. 39,657  
4010 E. 26<sup>th</sup> St.  
Los Angeles, CA 90023  
Telephone: 323-262-5145  
Facsimile: 323-269-8506

Dated: January 31, 2005